

**REMARKS**

Claims 8 and 9 have been canceled. Claims 2-7 and 10, and amended claim 1 are in the application.

Claims 1-4, 6, 7 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (U.S. Patent No. 5,758,257).

Amended independent claim 1 recites in part the following:

“wherein said virtual channel guide creating means **gives priority to the set priority program** in creating the virtual channel guide such that **the set priority program is arranged therein prior to other programs.**” (Emphasis ours.)

It is respectfully submitted that Herz as applied by the Examiner (hereinafter, merely “Herz”) does not specifically disclose the above feature of claim 1. Accordingly, it is believed that claim 1 is distinguishable from Herz.

Claims 2-4 and 6, 7, and 10 are dependent from independent claim 1 and, as such, are also believed to be distinguishable from Herz for at least the reasons previously described.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (U.S. Patent No. 5,758,257), in view of Hodge et al. (U.S. Patent No. 6,564,381).

Claim 5 depends from independent claim 1 and, as such, is also believed to be distinguishable over Herz for at least the reasons previously described. The Examiner apparently does not rely on Hodge to overcome the above-described

deficiencies of Herz. Accordingly, it is believed that claim 5 is distinguishable over the applied combination of Herz and Hodge.

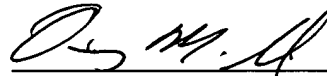
In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejection of claims 1-7 and 10 and the allowance of this application with claims 1-7 and 10 are respectfully requested.

Please charge any fees incurred by reason of this response to Deposit Account No. 50-0320.

Respectfully submitted,  
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